



South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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CONTENTS

STATE DOCUMENTS

House Week in Review.....	2
Bills Introduced.....	3
Bills Ratified This Session.....	5
Research Report: Solid Waste Management.....	10

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House Week in Review

Two bills were set for special order last week, as the House continued to move through the calendar in anticipation of mandatory adjournment June 1.

Set for special order first was H.3122, the Parental Consent for Abortion/Judicial By-Pass bill. The House also voted to set S.321, the School Flexibility bill, for special order consideration following the Parental Consent bill.

Auto Insurance

Passage of H.3696, the Automobile Insurance Reform bill, inched forward last week with the appointment of a conference committee. House appointees to the auto insurance conference committee are Reps. Robert Brown, James Bailey and Ted Mappus. Senate conferees are Sens. Saleeby, Moore and Mullinax.

Among the bills given third reading by the House last week was H.3554, the Airline Hub bill. Supporters of this bill, which was considered but not passed by the General Assembly last session, say its aim is to encourage greater economic development.

Parental Consent Debate

Much of the House's time last week was spent debating the pros and cons of H.3122, the Parental Consent for Abortion bill. The bill was given second reading Thursday by a 102-0 vote.

Although numerous amendments were offered during the course of the debate, the two most significant changes adopted by the House were the exemptions made for medical emergencies or for incest. In connection with alleged pregnancies due to incest, the House adopted an amendment requiring the doctor performing the abortion to notify law enforcement of the circumstances within 24 hours of the abortion. The House did not go along with amendments that would also allow criminal sexual conduct as an exemption to parental consent.

Bills Introduced

Here is a sampling of the bills introduced in the House during the past week. Not all the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.

Education and Public Works Committee

Teacher License Plate (H.4076, Rep. T.C. Alexander). This legislation would authorize the State Highway Department to issue a special automobile license plate to the annual recipient of the South Carolina Teacher of the Year award, as presented by the State Department of Education.

Early Intervention for Handicapped Preschoolers (S.567, Sen. Giese). The purpose of the legislation, entitled Early Intervention Programs for Preschool-Age Handicapped Children, is to provide for the mandatory establishment of special education and related services for preschool-age handicapped children at age three and to give them the rights and protections held by school-aged handicapped children under state and federal law.

This Senate bill is similar, but not a companion bill, to two bills previously introduced in the House. These House bills are H.3839, sponsored by Rep. Beasley, and H.3794, introduced by Rep. Corning.

Invitations and Memorial Resolutions

"J.E. Lockemy Highway" (H.4048, Rep. Cooper). This legislation would designate Highway 57 where it joins Highway 9 east in the city of Dillon until it reaches Highway 41 as the "J.E. Lockemy Highway," named in honor of Rep. Lockemy, who has served District 55 since 1983, and was recently elected to the circuit court bench.

Legislative Update, May 23, 1989

Labor, Commerce and Industry Committee

Lower Rates to Drivers 55 and Older (H.4075, Rep. Harvin). This legislation would allow automobile insurers to provide an "appropriate reduction in premium charges" to those drivers, age 55 or older, who successfully complete a motor vehicle accident prevention course. The driver must take the course every three years in order to qualify for the rate reduction. Only prevention courses approved by the State Highway Department would be recognized, and the driver must turn in a signed certificate of course completion in order to receive the rate reduction.

Bills Ratified

With only two legislative weeks left in the 1989 session, the following is a compilation of legislation that has been ratified or signed into law this session. For the final two issues, the Legislative Update will feature bills that have been passed by the General Assembly this session. Not all the bills that have been ratified will appear in this list. Instead, only the most significant bills, or bills receiving public and media attention, will be listed.

Scenic Rivers Acts of 1989

H.3353, ratified May 16, 1989

The bill would create the South Carolina Scenic Rivers Acts of 1989 to provide for the protection of selected rivers and river segments unique for their scenic, recreational, geologic, botanical, fish, wildlife, historic or cultural value.

The state Water Resources Commission would be authorized to oversee the program, beginning with an inventory of all the state's rivers, identifying rivers or river segments with unique characteristics.

The bill outlines the process the Water Resources Commission must follow when designating a river or river segment as falling under this proposed act. Under this process, which would include public hearings and a local advisory board, the state would purchase land adjacent to the rivers designated as scenic, or have the property donated. If the land is donated, the landowner would be eligible for a state income tax deduction. Any land donated under this act would revert to the owner if it ceases to be used for the purpose it was donated.

The bill also would create the Scenic Rivers Trust Fund, administered by the commission, to acquire fee simple or lesser interest in land adjacent to scenic rivers or river segments. Gifts or donations, state or federal funds may be placed in this fund.

The bill also outlines the way the rivers may be managed by the commission.

Rural Electric Co-ops

H.3398, signed into law May 10, 1989.

This bill proposes several changes in connection with the voting procedures of electric cooperatives. Proxy voting still would be permitted, but a cooperative member may not act as proxy to more than three other members. The legislation also outlines how a member of the cooperative's trustee board may be removed from office, and how a successor may be elected. This provision does not apply to a cooperative in which a majority of the members are other cooperatives.

In addition, the bill also details how a cooperative can be dissolved. This process would include a two-thirds vote by the trustee board recommending dissolution, and a special members meeting called solely for a vote on the dissolution. Voting must be by written or machine ballot. Absentee ballots would be obtained under certain conditions outlined in the bill.

Voting at the special meeting would be held from 7 a.m. to 7 p.m. on the meeting day. A two-thirds vote by the members of the cooperative would be required for dissolution.

Continuum of Care for Emotionally Disturbed Children

H.3414, ratified May 16, 1989.

This legislation is designed to enhance the delivery of services to severely emotionally disturbed children and youth, who have exhausted existing treatment services. Under this legislation, a commission would be created to oversee the continuum of care. The commission would be supported by an advisory council made up primarily of agency and private experts in the field.

The continuum would augment existing resources by providing or procuring services to complete the range of services needed by these children.

Terms of Family Court Judges

H.3261, signed into law March 12, 1989.

This legislation increases the terms of family court judges from four to six years.

Bootleg Records and Tapes

H.3693, ratified May 16, 1989.

This bill would update the current laws prohibiting the counterfeiting of records and tapes for commercial advantage or private gain. The bill expands the definition to include new mediums such as discs, video tapes or any other medium to be developed to record images or sound. The counterfeiting laws would be amended to include rentals. The bill substantially increases penalties for violations, with punishments covering advertising, rental and distribution of counterfeit items.

Worker's Compensation Death Benefits

H.3657, signed into law April 24, 1989.

This legislation will raise worker's compensation for the death of an employee from a minimum of \$25 per week to a minimum of \$75 per week.

Worker's Compensation Insolvency Fund

H.3447, signed into law April 24, 1989.

The State Worker's Compensation Insolvency Fund will be administered by the director of the Second Injury Fund rather than the director of the Worker's Compensation Fund with enactment of this legislation. The bill also empowers the director of the Second Injury Fund to establish procedures for collecting funds from legally obligated employers.

Absentee Ballots

H.3306, signed into law April 6, 1989

This legislation allows people serving as state or federal jurors to vote by absentee ballot on election days.

Auto Insurance Freeze

S.3, signed into law February 15, 1989.

This joint resolution prohibits insurance companies from filing with the State Insurance Commission for automobile insurance rate increases until after July 1. The resolution allows companies to decrease rates, however.

S.C. Fair Housing Law

S.4, signed into law May 9, 1989

This lengthy legislation provides, within constitutional limitations, for fair housing throughout the state. The act makes it unlawful to discriminate on the basis of race, color, sex, religion, handicap, familial status or national origin when renting or selling housing. This would include advertising, which could not indicate a limitation or preference as to whom the property is available. Discrimination also is prohibited in connection with multiple listing services or other real estate organizations; in insurance of property; and in the making of loans.

Religious organizations or private clubs are not be prohibited from limiting or giving preference to their own members when providing lodging owned by the organization or club.

The bill contains a number of provisions that ensure equal access to the handicapped in multifamily dwellings, and better housing opportunities for the elderly.

The State Human Affairs Commission will administer this law and investigate complaints.

Taxpayer's Bill of Rights

S.202, signed into law April 24, 1989.

The mission of this bill, to be administered by the State Tax Commission, is to help promote improved voluntary taxpayer compliance and to adequately protect the taxpayers' rights during the process of assessing and collecting taxes.

Under this bill, the commission will establish the post of Taxpayers' Rights Advocate, who would help resolve taxpayer complaints and problems. The Tax Commission also will step up its taxpayer education program, including information brochures written in non-technical language explaining the rights available to taxpayers. The bill prohibits the commission from using the amount of delinquent taxes collected to evaluate an employee's performance.

Further, the bill outlines the procedures the commission must follow when collecting unpaid taxes, including the use of written installment payment agreements for a 90 day period if it will facilitate payment. The bill gives the taxpayer the right to bring legal action for damages if a Tax Commission employee recklessly disregards the commission's procedures.

Ratification of the 25th Amendment

S.328, ratified May 4, 1989.

With this joint resolution, South Carolina has ratified the U.S. constitutional amendment regarding presidential succession. The amendment was proposed in 1965 by the Congress to provide for procedures for the Vice President to assume the office of President should the President die, resign, or be removed. The amendment also provides for the Vice President to assume the highest office should the President be unable to discharge his duties. It further outlines procedures for the Congress to follow to decide the issue should there be a conflict between the Vice President and the President over the Vice President's assumption of the executive role. The amendment also provides that the President may appoint, with congressional confirmation, a Vice President should a vacancy occur.

This amendment was ratified by two-thirds of the states in 1967. Ratification of this amendment by South Carolina is a legislative housekeeping measure.

School Segregation

S.354, signed into law March 31, 1989.

This bill repeals the state statute still on the books prohibiting the integration of public schools.

Research Report: Solid Waste Management

Introduction

In recent years, federal, state, and local governments have become increasingly aware of the problems associated with the management of solid waste. The volume of solid waste generated increases each year with a corresponding decrease in the availability of safe disposal options. The resulting environmental, economic and political ramifications cause concern at all levels.

Historically, landfilling has been the easiest method of disposal. However, in recent decades with industrialization, in general, and with the increasing development of chemicals, toxic substances, and nonbiodegradable substances, landfilling is often viewed as undesirable. Also, under new federal and state requirements, the cost of locating and preparing solid waste landfills has risen dramatically.

A National Overview

As defined by the Federal Solid Waste Disposal Act, solid waste includes the non-hazardous solid, liquid, or contained gaseous refuse generated by industrial, commercial, and residential sources. While this definition covers many types of waste, public attention has focused on municipal solid waste (MSW), most of which is generated by residential and commercial sources.

Americans generate nearly 160 million tons of residential and commercial waste yearly. This amount is expected to grow to over 193 million tons by the year 2000 and does not include industrial waste which will contribute another 90 million tons a year.

In the United States today, each American generates daily 3.5 pounds of solid waste, or over half a ton per year. This is expected to increase to 3.90 pounds per day by the year 2000.

This report was researched and written by USC Legislative Intern Kristi McLean.

The following table from the Environmental Protection Agency illustrates the changing composition of municipal solid waste over time. MSW discards in this table are those remaining after materials recovery has taken place. As the table indicates, paper and plastic materials have been increasing more rapidly than the other components of the waste stream. Glass, ferrous materials, rubber, and other materials have been increasing at a slower rate, or in some cases, even declining.

MATERIALS DISCARDED INTO THE MUNICIPAL WASTE STREAM*

(In millions of tons and percent)

<u>Materials</u>	<u>1970</u>		<u>1986</u>		<u>2000</u>	
	<u>tons</u>	<u>%</u>	<u>tons</u>	<u>%</u>	<u>tons</u>	<u>%</u>
Paper and paperboard	36.5	32.4	50.1	35.6	66.0	39.1
Glass	12.5	11.1	11.8	8.4	12.0	7.1
Metals	13.5	12.0	12.6	8.9	14.4	8.5
Plastics	3.0	2.7	10.3	7.3	15.6	9.2
Rubber and leather	3.0	2.7	3.9	2.8	3.8	2.3
Textiles	2.0	1.8	2.8	2.0	3.3	2.0
Wood	4.0	3.6	5.8	4.1	6.1	3.6
Other	0.1	-	0.1	-	0.1	-
Food Wastes	12.8	11.4	12.5	8.9	12.3	7.3
Yard Wastes	23.2	20.6	28.3	20.1	32.0	19.0
Miscellaneous Inorganics	<u>1.9</u>	<u>1.7</u>	<u>2.6</u>	<u>1.8</u>	<u>3.2</u>	<u>1.9</u>
TOTALS	112.5	100.0	140.8	100.0	168.8	100.0

* Wastes discarded after materials recovery and before energy recovery.

Details may not add to totals due to rounding.

Source: Franklin Associates, Ltd.

States Facing Landfill Shortages

While the annual generation of municipal solid waste is slowly increasing, the capacity for acceptable disposal is rapidly decreasing. The EPA estimates that as many as 27 of the 50 states will have run out of landfill space by 1990, with many cities and states already facing crises.

A 1988 report by the Council of State Governments estimates that in five years, more than half of Alabama's sites will close. Over 70 percent of California's existing sites will be at capacity in 10 years. Officials in Connecticut say that nearly all authorized capacity will be used up in two years.

In Florida, over 60 percent of landfills are expected to close in eight years. Three-fourths of the 199 landfills in Massachusetts now receiving garbage will be full in three years. New Jersey expects its existing space to run out by 1991. In New York, existing landfills have only ten more years of combined capacity.

The situation is much worse for localities which have landfills filled to capacity, no space for new ones, or are facing community and political opposition blocking construction of new sites. For cities with no landfill space remaining, an immediate solution is to ship the trash elsewhere. Several New England towns run trucks 24 hours a day to Pennsylvania and Ohio. However, this solution does increase disposal costs. As siting for landfills becomes more difficult and as the volume of waste increases, solid waste disposal, once considered a local problem, has become a national concern.

Groundwater Pollution

Not only is landfill space running out, but the problem of groundwater pollution from leaky, seeping landfills is growing in significance. Items such as dry cell batteries, household cleaners, insecticides, used appliances, and used motor oil find their way into landfills. These products contain substances such as mercury, cadmium, lead, and ammonia.

Each American disposes about 50 pounds of hazardous materials a year which may pose serious health and environmental risks. J. Winston Porter, assistant EPA administrator for solid waste and emergency response, states that the dangers posed by municipal solid waste landfills can be seen in the "Superfund" priority cleanup list.

Nearly one of every five facilities awaiting decontamination on the "Superfund" list was once a municipal solid waste landfill. In 1988, 180 of the sites on the "Superfund" national priorities list were municipal landfills.

According to an EPA report, an example of a municipal landfill found on the national priorities list is the Lexington County Landfill Area, a 75-acre sand pit on U.S. 321, 2 miles south of Cayce. According to the EPA, the county received a permit from the South Carolina Department of Health and Environmental Control in 1971. Prior to 1980, local industries were allowed to dispose of their waste, which included asbestos, at this landfill. Adjacent to the county landfill are the old Cayce Dump, which was in operation during the 1960's, and the old Bray Park Dump, which was an un-permitted dump used prior to 1972.

According to EPA, the agency found arsenic, cadmium, mercury, selenium, and 2,4-D in on-site monitoring wells in 1987. The report estimated that 6,200 people obtained drinking water from public and private wells within 3 miles of the site. A local resident had to abandon his contaminated well into a shallow aquifer and drill into a deeper, more productive aquifer. Approximately 250 acres of farmland were irrigated by a well within 3 miles of the site. The Lexington County Department of Public Works continues to work with DHEC in monitoring ground water in the area.

New EPA Regulations

In August of 1988, the EPA proposed New Subtitle D regulations which would require all municipal solid waste landfills to install monitoring equipment to detect pollution of groundwater supplies. This proposal is billed as the EPA's first major regulatory step in the area of household trash landfills, requiring the clean up of dumps found to be leaking contaminants into underground aquifers. The draft regulations would force operators to put waterproof covers over landfills when they are closed and would set restrictions on where a new landfill can be located.

According to EPA officials, the plan would allow states the flexibility to operate their own compliance programs. The proposal would apply to an estimated 6,000 solid waste landfills -- 78 percent of them owned by local governments -- which handle about 80 percent of the 160 million tons of household refuse produced each year.

According to EPA, fewer than a third of the operating dumps nationwide have groundwater monitoring systems, only 15 percent have bottom liners, and only 5 percent have leachate collection systems. These proposed new regulations are expected to increase the costs of landfill disposal.

South Carolina Overview

Last May, the General Assembly approved the creation of the Joint Legislative Study Committee on Solid Waste Disposition. The purpose of the committee is to explore alternatives to landfill disposition of solid waste in South Carolina. The resolution originally specified that the committee would report back with recommendations to the General Assembly by March 31. This deadline was extended to January 1990.

For the past year, the joint committee has been meeting periodically. The following is taken from the interim report issued by the joint study committee:

The solid waste disposal problem is no different in South Carolina than in other parts of the country, except South Carolina is one of the 12 states without a solid waste management plan according to Renew America. Throughout the state, local governments are facing a continuing problem of solid waste disposal. Of the state's 76 landfills, nine are full, or nearly full and will close within a few years. These include Aiken, Clarendon, Darlington, Fairfield, Georgetown, Greenwood, Lee, Horry, and Williamsburg Counties.

Compounding the state's problem of solving its own waste disposal dilemma, the state's current laws, or lack of laws, present other states with an opportunity to dump their wastes in local commercial landfills. Current regulations are lax and make South Carolina a prime target for out-of-state shipments of solid waste.

Further compounding the waste disposal problem in South Carolina and other states is the practice of local governments not properly accounting for the actual costs of disposing of waste, with local solid waste fees not including realistic administrative, transportation, tipping fees and landfill development costs. Solid waste disposal costs are often subsidized through property and other taxes, thus not taxing local citizens with the actual cost of disposing of their weekly accumulation of trash.

To finance future waste disposal management plans in South Carolina, as in other states, disposal costs will probably need to increase to actual disposal costs to provide funding as well as incentives for waste reduction. Too, nationally the cost of trash disposal is increasing rapidly. Between 1987 and 1988, average tipping fees increased 30 percent from \$20.36 to \$26.93 a ton for landfills. In a South Carolina (Spartanburg) landfill, tipping fees were only \$4.75 a ton according to Waste Age. The average in the Southern states was \$12.27.

To implement a comprehensive mandatory solid waste management plan through legislation in South Carolina, substantial changes will be needed in current lifestyles on waste disposal practices and the financing of the mandatory changes. These changes, as in other states, will require greater environmental awareness and participation on the part of all citizens and increased taxes and fees to finance additional local solid waste disposal costs.

Methods for the Management of Solid Waste

Basically, three methods exist for the management of municipal solid waste: landfill, incineration, and recycling. The following information is a brief overview of each of these topics.

Landfill

According to the EPA in most locations, landfilling is the cheapest way to dispose of solid waste. Nationally, about 80 percent of the municipal solid waste (MSW) goes to landfills. However, as stated before, the number of active landfills is declining rapidly as existing sites reach their permanent capacity and close. To compensate, the MSW is transported further to other waste management facilities, increasing disposal costs.

Many of the landfills are privately owned; the operators of such landfills may take waste from whomever they choose. As a landfill accepts waste from distant sources, disposal capacity shrinks for locally produced waste. Therefore, even the areas that are outside major population centers have begun to feel the impact of capacity shortages.

According to a report on the landfill crisis by the Council of State Governments, states and local governments are being forced to consider alternative methods of waste reduction and disposal, even though landfills will never be completely obsolete. Two of the most viable solutions are recycling and incineration.

Recycling

At one time, recycling was marketed as a means of "keeping America beautiful." Today, it is a matter of economics and an alternative in decreasing the amount of waste.

Theoretically, all consumer discards are wastes available for recycling. According to the EPA, in 1986 about 11 percent of the municipal waste stream was recycled, and by some estimates, more than half of the solid waste generated could be economically recycled. This high rate would require a transformation in the methods Americans use to store, collect, and handle solid waste.

As a result of the changing economics and in response to public opposition to other waste management methods, many state and local officials are now beginning to emphasize recycling programs. For example, Oregon and New Jersey are recycling close to 20 percent of their wastes, while San Francisco, San Jose, and Seattle are exceeding a 20 percent recycling rate.

According to the interim report of the Joint Study Committee on Solid Waste, nine states have mandatory recycling with goals of 25 to 35 percent by 1992. Eleven states require beverage container recycling. Twenty-two states have included recyclable products in their procurement legislation. Many states assist their local communities in meeting recycling mandates. Thirty-four states provide technical assistance, while thirty-three states provide some form of financial assistance. Fourteen states have state-wide management plans, with Oregon, New York, California, Illinois, New Jersey, Connecticut, Florida, and Maryland having the most stringent legislation.

A special problem for recycling is the increasing use of plastics in both packaging and products. According to the EPA, plastic is the most rapidly growing material in the solid waste stream. Plastic discards have grown from less than 400,000 tons in 1960 to 10.3 million tons in 1986.

Plastic recycling has been less successful than the recycling of other products. The main difficulty is the collection of sufficient quantities of homogeneous plastic to make recycling practical. Because of this difficulty, the only plastic products that are recycled on a wide scale basis are polyethylene terephthalate (PET) soda bottles in those states with bottle deposit laws.

Despite the substantial growth of public and political support for recycling, obstacles remain to limit the growth of recycling. These obstacles include lack of markets for recycled products, high collection and separation costs, resistance to change, and the importance of convenience in waste disposal.

Incineration

Waste-to-energy incineration is another viable alternative for waste reduction, which is gaining support among state and municipal officials as well as the EPA. Incineration reduces the volume of waste by 80 to 90 percent. Thirty-nine states have incineration facilities for municipal solid waste either on-line or in advanced planning stages. In 1986, about 9 percent of municipal waste was incinerated, but this figure is expected to increase to 25 to 30 percent by the late 1990's.

Incinerators are often referred to as "waste-to-energy" or "resource recovery" facilities because most of them burn garbage to produce either steam or electricity. According to the EPA, there are 111 incinerator plants operating in the U.S.; 75 are waste-to-energy plants that also produce steam for heating or generating electricity. The EPA calculates there will be 400 in operation in 1990.

According to the EPA, most incinerators, referred to as mass burn plants, receive unsegregated solid waste that is dumped onto a tipping floor and then fed by cranes and conveyors into a furnace. Other types of incinerators, known as refuse-derived fuel plants (RDF), may remove glass and metals before shredding the remaining solid waste to produce fuel that can be used in specially designed boilers or mixed with coal. Some of the RDF plants also isolate organic wastes; this results in a lower moisture content and improves the quality of the fuel produced.

Both mass burn and RDF plants appeal to the majority of city officials because the waste collection system does not have to change. A single garbage truck can still pick up all of a household's trash, with no sorting or separate collection of recyclables required.

EPA estimates that capturing the energy content of the nation's solid waste could theoretically conserve approximately 600,000 barrels of oil per day. But proposals for new incinerators, like those for landfills, often meet opposition. The public is concerned about air pollution from these plants as well as toxic ash. As a result, both Congress and EPA are considering new controls.

Current South Carolina Conditions

Under the joint legislative study committee, the Subcommittee on Current South Carolina Conditions surveyed the counties regarding the solid waste disposal methods currently being used or those planned to be used in the immediate future. The following information is a summary of the results of the questionnaire compiled by the subcommittee:

In reviewing the results of the questionnaire, it was evident that the majority of the landfills operated in the State are owned and operated by the counties. The questionnaire was directed to the counties and to date, responses have been received from 37 of the 46 counties.

Of primary concern to the Subcommittee was the responses received on, (1) amount of solid waste received, (2) remaining capacity of landfills, and (3) current status of recycling programs. A summary of these responses follows:

Amount of Solid Waste Received

From the responses available, the amount of solid waste received in the county landfills varies substantially, obviously depending on the size of the county. It is obvious from the responses that some of the counties have no valid way of measuring the total amount of waste disposed of in their facilities and, for that reason, have no way of gauging the longevity of their current facilities. One county indicated that it received 19,800 tons of solid waste per week at its landfill, while others received as low as 200 tons per week. Also, some counties disposed of solid waste generated in their county in facilities located in other counties, which may account for the wide range of volume.

The current practice of disposing of this waste is virtually universal among the respondents to the questionnaire. Virtually all of the responding counties use solid waste landfill sites, which are compacted daily and covered in the traditional method.

Remaining Capacity of Landfills

For the reasons stated above, many of the respondents to the questionnaire seem to be unsure of the remaining capacity of their existing facilities since they do not have current, accurate knowledge as to the volume being handled on a daily, weekly, monthly, or annual basis at the current time.

However, the responses indicated that the various counties feel relatively comfortable with either: the remaining life of their existing facility, their ability to expand the existing facility or acquire an additional facility. This was not a universal response; however, as one county indicated that it hoped that the State of South Carolina would step into the breach and fill its need when its current facility reached its capacity. Other counties indicated that they had contracted with private companies for trash pickup and removal from their county.

Many of the counties responding indicated knowledge that permitting new landfills in South Carolina is both a lengthy, time consuming, and potentially expensive exercise at the present time. It is not known whether these counties understand fully the potential for increased cost in the event new guidelines and requirements come into being in the near future as the result of action by either the federal government and/or state government.

Current Status of Recycling Programs

The questionnaire was very revealing in that very few counties currently have underway any meaningful recycling programs. Those that do exist primarily relate to aluminum can recycling and/or newspapers. Many of the ones that were mentioned in response to the questionnaire are really not conducted by the county, but are conducted by volunteer organizations within the county and the county lends only moral support to the continuation of the programs.

It is obvious that recycling programs across the State, conducted by the counties, are not extensive and very little emphasis is placed upon recycling. This is further indicated by the response as to whether any recycling programs are planned for the county. The majority of the counties responded in the negative to that question, and those that did respond in more than a totally negative fashion admitted that recycling was being considered, or studied or evaluated, more than being planned.

Perhaps the most instructive response on the question of recycling was whether any county had guidelines available concerning the purchase of recycled products. The answer was universally no. This is particularly instructive in view of the testimony heard by the committee as to the necessity of locating and/or creating markets for recycled products prior to the adoption of full mandatory recycling programs.

The Florida Law

Florida's 1988 Solid Waste Management and Reduction Act is a major environmental statute which amends existing law, establishes major new recycling programs, and special waste management programs. The joint study committee's Subcommittee on Other States' Approach has recommended that Florida's legislation be used as the primary model for South Carolina's plan. A summary of some of the major provisions of Florida's Solid Waste Management and Reduction Act follows.

The Florida law:

- Establishes a statewide goal of reducing the amount of solid waste by 30 percent by 1994. Local governments are required to participate or face loss of state funds for environmental programs;
- Requires each county to initiate a newspaper, glass, plastic bottle and aluminum can recycling program by July 1, 1989, and establishes a \$25 million grant program to assist local governments in this effort;
- Prohibits disposal of lead-acid batteries in landfills or waste-to-energy facilities after January 1, 1989, and requires retailers who sell such batteries to accept trade-ins for new ones;
- Outlaws the sale of beverage containers with detachable metal rings or tabs, and prohibits the sale of containers connected by separate plastic rings and use of plastic bags for carrying consumer goods unless the plastic in such items is capable of degrading within 120 days;
- Requires owners and operators of landfills to establish fees sufficient to ensure proper closure of their landfills;
- Encourages local governments and state agencies to provide solid waste services in the most cost-effective manner and to contract with private persons for such services;
- Provides that if at least half of all metal, glass and plastic containers are not being recycled by October 1, 1992, a 1 cent surcharge will be imposed on the sale of those items, and that amount goes to 2 cents if the 50 percent recycling goal is not met by October 1, 1995. Consumers will be able to get a refund by taking the empty containers to local recycling centers.

The act creates a Solid Waste Management Trust Fund and eight new grant and award programs for recycling, special wastes and other programs to improve the management of solid waste. Initial funding for the trust fund is from the Oil Overcharge Settlement Fund. Long-term funding is from a roll-back in the dealer collection allowance for the sales tax, a business registration fee, disposal fees on newsprint and tires and a future funding source from an advance disposal fee on containers.

It is mandatory for a county to institute a recycling program, but whether or not the actual program is mandatory or voluntary is the county's choice. It is also the county's choice whether separation of solid waste materials occurs at the curb or at the solid waste disposal facility.

Currently in Florida, it is working both ways. Usually in rural, economically depressed counties, recyclables are separated at the landfill. In the larger metropolitan areas, paper is separated at the curbside.

The act's fiscal year 1988-1989 appropriation is \$36 million, mostly to assist local governments. This includes \$5 million for promoting recycling, and \$7 million for used tire disposal. The legislation sets aside \$28.7 million for local government recycling programs in the first year. In subsequent years, approximately \$12 million more will be available for these programs.

Another provision in the act recognizes that the key to a successful program is market development and private enterprise cooperation. Therefore, \$1.2 million has been devoted to research of markets and products in the first year.

The counties have primary responsibility for solid waste, although cities may operate their own facilities. Local governments must make public the annual cost of solid waste management. Regional solid waste authorities are also encouraged in this act.

The Florida law is designed to change people's habits, offer incentives for recycling and reduce costs of solid waste management. This law manages to both protect the environment as well as stimulate recycling markets and conserve landfill space.

According to conclusions drawn joint study committee, it is estimated that approximately one-third of the Florida funding would be needed in South Carolina to implement a similar program. This would mean that South Carolina would need to generate revenues of around \$13 million dollars to implement a solid waste management and reduction program.

Solid Waste Task Force

Disposing of solid waste has become a critical problem for the federal government, states, and localities. Recognizing the need to manage solid waste in an environmentally, economically, and politically acceptable manner, many states have enacted comprehensive solid waste management plans. Several plans include methods such as source reduction, recycling and reuse, with a minimal level of landfilling. Also, many plans include the construction of safe, regulated incineration and/or waste-to-energy plants.

As stated in the joint study committee's interim report, the committee was charged with the responsibility of undertaking a study and analysis of the problems associated with landfill disposition of solid waste and all alternative methods of solid waste disposition that reduce or eliminate the need for landfill disposition.

Currently, the study committee is reviewing and accumulating data on solid waste management policy issues that will be the basis for developing future recommendations. Issues being studied by the committee include:

- Voluntary vs. Mandatory Recycling
- Curbside Collection vs. Central Collection Centers
- Products to Recycle
- Recycling Goals - Source Reduction
- Incentives/Disincentives
- Financing fees on disposal of tires, batteries, oil, etc
- Collection Fees
- Deposits and Refunds
- Marketing of Recovered Material and Energy
- Private vs. Local Government Operation of Landfills
- Incineration - Waste-to-Energy

Solid waste management is an immense and complex issue which is not easily resolved. The joint study committee's recommendations will undoubtedly have far reaching effects upon the future of waste disposal in South Carolina.